

Notice of Allowability

Application No.

10/650,182

Examiner

Daniel A. Hess

Applicant(s)

TERLIZZI, JEFFREY J.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/17/2007 communication by Applicant.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

This action is responsive to Applicant's filing of 10/17/2007, including rule 131 affidavit.

The affidavits filed on 5/22/2006 and 10/17/2007 under 37 CFR 1.131 is sufficient to overcome the Kelly reference.

The Examiner has determined that taken together the rule 131 affidavits filed in the present case establish both priority over Kelly (US 6,705,527) and appropriate due diligence.

Allowable Subject Matter

Claims 1-25 are allowed.

The following is an examiner's statement of reasons for allowance:

The rejection which previously stood, based on Kelly (US 6,705,527), has been overcome by rule 131 affidavit.

The remaining prior art fails to teach or fairly suggest an apparatus or method for interfacing a data acquisition device to a host device via at least one interface of a plurality of interfaces, wherein the data acquisition device is connected to the host via an interface controller, the type of the host is determined, and the controller is configured to translate data received by the data acquisition device into a suitable format for the host based on the determined type of the host, and wherein the controller selects at least one interface from a plurality within memory and

wherein one of the interfaces is a USB interfaces and wherein at least two of the plurality of interfaces are located on a single circuit board.

Reddersen et al. (US 5,703,347) uses multiple cables which the user may select as a way to achieve compatibility across various interfaces, but these are not unified into a single interface controller with several interfaces on a single circuit board.

Lieb et al. (US 6,115,678) also uses multiple cables, such that the cables perform translation and are selected based on need. Again, these are not unified in the claimed way.

Behrens et al. (US 5,258,604), of record in the instant Application, teaches bar code scanners that can be made compatible with a variety of interfaces. However, Behrens requires that various circuit boards be swapped out of the bar code scanner. This goes against the claimed limitation of at least two of the plurality of interfaces being located on a single circuit board.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

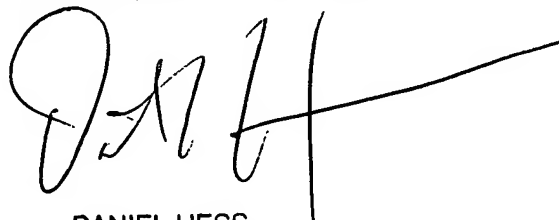
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/23/2008

A handwritten signature in black ink, appearing to read 'D. Hess', with a long horizontal stroke extending to the right.

DANIEL HESS
PRIMARY PATENT EXAMINER